

REMARKS

1) Applicants hereby respectfully re-traverse the restriction requirement made by the examiner under 35 U.S.C. 121. Applicants have previously provisionally elected Group II, directed to claims 7-12. This election was made with traverse. It should be noted that the Commissioner may statutorily require the election of inventions “If two or more independent and distinct inventions are claimed in one application.” Applicants submit that the examiner has made no showing of distinctness between the embodiments of Groups I and II. It is therefore respectfully urged that the restriction requirement be rescinded.

2) The Examiner objects to the Information Disclosure Statement, stating that it fails to list certain references which are mentioned in the specification. A supplemental Information Disclosure Statement is submitted herewith, listing each reference mentioned in the specification. Applicants therefore submit that this objection has now been overcome.

3) The Examiner further objects to the Abstract of the specification, stating that it exceeds the maximum of 150 words. Applicants have amended the Abstract as shown above, and respectfully request that the objection be withdrawn in view of this amendment.

4) The Examiner has rejected claims 7-12 under 35 U.S.C. 112, second paragraph. The Examiner asserts that several grammatical and idiomatic errors exist in the claims, due to translation into English from a foreign document. Applicants have amended the claims accordingly, as shown above. It is respectfully asserted that the 35 U.S.C. 112 rejection has been overcome by the instant amendment, and that the rejection should be withdrawn.

5) The Examiner has rejected claims 7-12 under 35 U.S.C. 103 over Russian Patent RU 2,173,635. Applicants respectfully urge that this ground of rejection should be withdrawn.

It should be noted that Examiner Faye Francis does not refer to this reference by its number in the Office Action of April 2, 2007. The Examiner refers to this reference as "Applicant's admitted Prior Art in page 3 last full paragraph of the specification". Upon telephoning the Examiner, it was determined that the citation to which the Examiner refers is RU 2,173,635.

The present invention relates to the processing of scrap tires and rubber article waste. Specifically, it relates to an apparatus for the manufacture of highly active rubber powders from scrap tires and waste of rubber articles. The structure and features of this apparatus are disclosed in detail in claim 7.

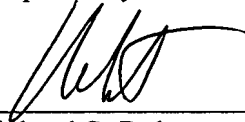
The Examiner states that it would be obvious for one skilled in the art to formulate the present invention upon a reading of RU 2,173,635. Applicants respectfully submit that this conclusion is unfounded since certain key features of the present invention are not taught or suggested by this reference. This Russian reference relates to a device for processing polymeric materials such as rubber. However, structural differences exist between the presently claimed apparatus and that disclosed in RU 2,173,635, which in fact has a common inventor with the present application. Specifically, as stated in the present disclosure on page 3, RU 2,173,635 lacks a *gas saturation area* and a *second crushing area*, which are now required by the present claims as amended above. It is urged that the failure of RU 2,173,635 to include these areas do not make it possible to crush all rubber types, such as rubbers having high deformation plastic component values as listed in the application. The structural differences between the apparatus of the present invention and RU 2,173,635 can further be seen when comparing the present Fig.3 with Figs.2-4 of the reference. The reference's figures do not show the presently required gas saturation area or the second crushing area, as shown in the present Fig.3. It is urged that the present invention is patentably distinct from the device of RU 2,173,635

and that one skilled in the art would not have been inspired to formulate the presently claimed invention upon a reading of this reference. Applicants therefore respectfully request that the 35 U.S.C. 103 rejection be withdrawn.

As requested by the examiner, enclosed is an updated Information Disclosure Statement listing the references identified in the specification. Russian Patent 2 057 013 is the equivalent of U.S. 6,325,307. Russian Patent 2 173 634 is the equivalent of WO 02/16099 and a translation of the portions believed to be most relevant is enclosed. Russian Patent 2 173 635 is enclosed together with an English language abstract. A fee in the amount of \$180.00 for this submission is enclosed.

The undersigned respectfully requests re-examination of this application and believes it is now in condition for allowance. Such action is requested. If the Examiner believes there is any matter which prevents allowance of the present application, it is requested that the undersigned be contacted to arrange for an interview which may expedite prosecution.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage pre-paid in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on July 30, 2007.



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